

“EXPRESS MAIL” Mailing Label No. EV348823260US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Timothy R. Socier et al.)	<u>PATENT APPLICATION</u>
)	LMS3072P0270US (LS-034/037)
Serial No.:	Not Yet Designated)	
)	
Filed:	Concurrently Herewith)	Group Art Unit: Not Yet Designated
)	
For:	VALVE FOR DISPENSING PRODUCT)	Examiner: Not Yet Designated
)	

INFORMATION DISCLOSURE STATEMENT

Commissioner For Patents
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. §1.97, the art identified on the attached form(s) PTO/SB/08A and other matters discussed below may be helpful to the Patent Office in its examination of the application identified above.

A copy of each of the documents is enclosed herewith for the Examiner's consideration.

RELATED CO-PENDING APPLICATION

In accordance with 37 C.F.R. §1.97 and §1.98 and MPEP 2001.06(b), attention is directed to the following co-pending commonly assigned application as being of potential interest in the examination of the subject application:

<u>Serial No.</u>	<u>Filing Date</u>
10/678,942	October 3, 2003

Application Serial No. 10/678,942 is a continuation of application Serial No. 10/115,188, now U.S. Patent No. 6,688,501, a copy of which is enclosed.

COMMENTS ON CITATIONS

The following comments are directed to the documents disclosed in the accompanying form PTO-/SB/08A. Non-English language documents without translation are discussed with a concise explanation pursuant to 37 C.F.R. §1.98(a)(3)(i).

FR 27 90454 was published on September 8, 2000 from an application No. FR 99 02670 filed March 2, 1999. The subject matter of the French document appears to be disclosed generally in the two French trade advertisement sheets "BOUCHON à TARTINER ou à ÉTALER--BEC VERSEUR--" and "BOUCHON à TARTINER ou à ÉTALER--NOUVEAU BEC VERSEUR--." An employee of a European company which is a wholly subsidiary of a company that wholly owns the assignee of the above-captioned instant U.S. patent application first became aware of the trade advertisement sheets in March 1999 in France and understands the company which distributed the advertising sheets, Aquila, to be a small European company that does not export to the U.S. These documents disclose a rigid plastic spout defining a fixed shape, elongate, dispensing aperture.

FR 1 135 210 appears to disclose various embodiments of a dispensing system which includes various forms of a valve having slits which apparently open to discharge product when the product is pressurized on the inside of the valve. FIGS. 9, 10, and 11 appear to show an elongate, triangular configuration with a single slit. FIG. 7 shows a slit 19 in a structure, which, in cross section, has a triangular shape. FIG. 7 could be a conical design, but without an English language translation, the below-identified attorney is unable to be certain. Other embodiments, such as shown in FIGS. 2, 3, and 5, have multiple slits. FIGS. 1 and 6 show dome-shaped configurations.

Serial No. Not Yet Designated - - - - 3

DE 1 250 225 appears to disclose, in FIG. 1, a valve having a single elongate slit and a rectangular member. FIGS. 4-9 illustrated single slits, but the overall plan view configuration is not illustrated and is not necessarily clear.

The order of listing of the art on the attached Form PTO/SB/08A should not be construed as an indication of the importance of the listed art.

The Patent and Trademark Office Examiner is requested to review the art and determine the extent of the materiality of the disclosures thereof with respect to the patentability of the subject invention. It is expected that the Patent and Trademark Office Examiner will independently conduct a complete search for relevant prior art.

No inference should be drawn and no representation is made or intended: (a) that a search has been made, or if made, was complete; (b) that the art on the attached list presents a comprehensive investigation of the prior art; or (c) that art no more pertinent than that listed is in existence.. [See 37 C.F.R. §1.97(g)]

Citation of any art herein is not to be construed as an admission: (a) that the art disclosure is, or is considered to be, necessarily within the invention field of endeavor, pertinent to the instant invention, or equivalent to the instant invention; (b) that the art disclosure is, or is considered to be, necessarily prior in time to a particular date which may be relevant in the instant patent application; (c) that the art disclosure is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b); (d) that the art disclosure is otherwise necessarily prior art with respect to the instant invention and application; and/or (e) that the information, protocols, results and the like reported by third parties are accurate or enabling. [See 37 C.F.R. §1.97(g).]

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No inference should be drawn that the discussion of any art herein is a discussion of each and every feature disclosed therein.

Also, there is reserved the right to later set forth how the instant invention is distinguished over the disclosures of any document or other art, including the disclosures of the art cited herein, that may be cited by the Examiner in rejecting a claim in the instant patent application.

Respectfully submitted,

Dated: March 26, 2004

By:


Paul M. Odell, Reg. No. 28,332

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Approved for use through 10/31/2002. OMB 0651-0031

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO				Application Number	Not Yet Designated
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Filing Date	Concurrently Herewith
				First Named Inventor	Timothy R. Socier et al.
				Group Art Unit	Not Yet Designated
				Examiner Name	Not Yet Designated
Sheet	1	of	2	Attorney Docket No.	LMS3072P0270US

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant	Date of Publication of Cited Document MM-DD-YYY	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
		D 136,098		Hartman	08/1943	
		2,851,203		Nowak	12/19/56	
		3,063,601		Hertz	11/13/62	
		4,735,334		Abbott	04/05/88	
		4,991,745		Brown	02/12/91	
		5,033,655		Brown	07/23/91	
		5,381,935		Moch	01/1994	
		6,427,874	B2	Brown	08/06/02	
		6,510,971	B1	Martin	01/28/03	
		6,688,501	B2	DeGroot et al.	08/08/02	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Office ³	Number ⁴			
		AU	26719/88	A	Robbins	09/07/89
		CA	976,113		The Metal Box	10/1975
		DE	1,250,225		Bürke	09/14/67
		FR	1,135,210		Degrenne	12/10/56
		FR	2,790,454	A1	Ferrario	09/2000
		GB	2,224,309	A	BXL Plastics	05/1990
Examiner Signature					Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standards ST.16, if possible. ⁶ Applicant is to place a checkmark here if English language Translation is attached.

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Sheet	2	of	2	Attorney Docket No.	LMS3072P0270US

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

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